

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Herbert Eugene Myles

Case No. 2:13-MJ-368

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/01/2013 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 751 (a)	Escape from Custody

This criminal complaint is based on these facts:

On May 18th 2013, MYLES was transferred from the Federal Correctional Institution (FCI) Phoenix to the Alvis House, 1755 Alum Creek Drive, Columbus, Ohio. Inmate MYLES' projected release date from the Alvis House was October 12th, 2013. On July 1st, 2013 MYLES left the Alvis House without permission. MYLES was placed on escape status by the United States Bureau of Prisons at 4:00 pm on July 1st, 2013.

Continued on the attached sheet.



Complainant's signature

Brad M. Fleming, Deputy United States Marshal

Printed name and title

Sworn to before me and signed in my presence.

Date: 7/10/13


Judge's signature

City and state: Columbus, Ohio


Printed name and title

AFFIDAVIT

I, Brad M. Fleming, being duly sworn, do hereby declare and state the following:

- 1) I am a Deputy United States Marshal assigned to the Southern District of Ohio. I have been employed with the United States Marshals Service (USMS) since April of 2010. As a Deputy U.S. Marshal, I am authorized under Title 28 U.S.C. Section 564 to enforce the laws of the United States, including Escape under Title 18 United States Code, Section 751(a). I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Training Program at Glynco, Georgia.

- 2) I am the case agent for the criminal investigation of Herbert Eugene Myles, a person sentenced to a term of incarceration and in the custody of the United States Bureau of Prisons. This affidavit is based upon my conversations and coordinated efforts with other law enforcement agents and sources and upon my examination of various transcripts, reports, and other records. When the contents of documents or statements of others are reported herein, they are reported in substance and part unless otherwise indicated. I have not included in this affidavit all information known by me relating to the investigation. I have set forth facts to establish probable cause for an arrest warrant for Herbert Eugene MYLES. I have not withheld any evidence or information which would negate probable cause.

3) This affidavit is made in support of an application for a criminal complaint charging Herbert Eugene MYLES with a violation of 18 United States Code, Section 751(a). Based on my training, experience, and participation in this and other investigations, I am aware of the following facts:

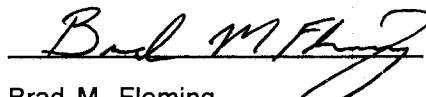
4) On August 16th, 2010, Herbert Eugene MYLES was sentenced to 50 months incarceration for the charge of Felon in possession of a Firearm by District Court Judge Walter H. Rice of the Southern District of Ohio.

5) On May 18th, 2013, MYLES was transferred from the Federal Correctional Institution (FCI) Phoenix to the Alvis House, 1755 Alum Creek Drive Columbus, Ohio. Inmate MYLES projected release date from the Alvis House was October 12th, 2013. The Alvis House is a community treatment center under contract with the Bureau of Prisons, and is a half-way house for federal prisoners approved by the Attorney General of the United States.

6) On July 1st, 2013, MYLES left the Residential Reentry Center (RRC) without permission at approximately 4:00 pm. RRC staff made repeated attempts to contact MYLES but was unable to reach him. MYLES was placed on escape status by RRC as of July 1st, 2013 at 04:00 pm. On July 1st, 2012, at 5:26 pm, RRC staff contacted the United States Marshals Service and informed the Deputy in Charge of the escape status of

inmate MYLES. As of July 10th, 2013, at 11:00 am inmate MYLES has not returned nor made contact with the Alvis House.

7) Based on the foregoing facts, my knowledge and experience, I submit there is probable cause to believe that Herbert Eugene MYLES, being a person in the custody of the Bureau of Prisons, did commit Escape in violation of Title 18 United States Code, Section 751 (a).



Brad M. Fleming

Deputy United States Marshal

Sworn before me and subscribed in my presence the 10th day of July, 2013, at Columbus, Ohio.


Norah McCann King

United States Magistrate Judge

Southern District of Ohio